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Letter dated 14 January 2013 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith the memorandum of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea entitled "Dissolution of the 'United Nations Command' is the essential requirement in defending peace and stability on the Korean peninsula and in the Asia-Pacific region", released on 14 January 2013 (see annex).

I should be grateful if you could have the present letter and the annex thereto circulated as a document of the Security Council.

(*Signed*) **Sin** Son Ho
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Annex to the letter dated 14 January 2013 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

Dissolution of the "United Nations Command" is the essential requirement in defending peace and stability on the Korean peninsula and in the Asia-Pacific region

Memorandum of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea

This year marks the sixtieth year since the Korean Armistice Agreement was signed.

It is now 60 years since the gunfire of war stopped roaring, but the war has not been terminated legally. There remains a fragile ceasefire status of neither peace nor war on the Korean peninsula, which has yet to build up a mechanism to ensure peace.

The United States has gone defiant against the Government of the Democratic People's Republic of Korea in its consistent stand and effort to replace the Armistice Agreement with a peace treaty and tries to maintain the ceasefire status. Lurking behind this background is the ghost of the cold war, i.e., the "United Nations Command".

This ghost, keeping pace with the recent United States defence strategy, is coming back to life as a tool for an aggressive war that would bring a fierce flame to the Asia-Pacific region, the greatest hotspot of the world.

The Ministry of Foreign Affairs of the Democratic People's Republic of Korea recognizes that there is a need to bring the attention of the international community to these moves of the United States, which would result in an extremely dangerous situation.

1.

The United States, according to its new defence strategy, is trying to transform the "United Nations Command" into a "multinational force command" which would serve as a matrix of the Asian version of the North Atlantic Treaty Organization (NATO).

The ulterior motive of the new United States defence strategy, released for the first time in January 2012, is to encircle and put a military curb on other big Powers in Asia so that the latter cannot grow to make a resistance to it. For this purpose, the United States plans to concentrate 60 per cent of its overseas-deployed forces to the Asia-Pacific region in the next 10 years. At the same time, the United States is stepping up its preparations to drag its bilateral allies in the region into a gradual concentration as a multilateral military alliance like NATO that moves under a unified command system.

It is a well-known fact that the United States has long kept its eye on forming a tripartite military alliance by combining the United States-Japan and United States-south Korea military alliances.

The United States drew its "experience" of containing and collapsing the former Soviet Union and East European countries by relying on NATO during the cold war time. Based on this, it is trying to set up a larger-scale collective military organization which would enable it to encircle its potential enemies in the Asia-Pacific region as well.

The United States, in order to get around the stiff resistance of the countries concerned, is trying to form a combined force instead of opting for a new one, by playing tricks to revive the functions of the "United Nations Command", which is nothing more than just a name.

The "United Nations Command", fundamentally speaking, is a tool of war which was organized by the United States for the purpose of deploying its satellite forces and exercising its control over them during the Korean war. After the ceasefire, the United States continued to seize and exercise its right to operational command in south Korea through the "United Nations Command". But, as pressure was mounting at home and abroad in the 1970s to dismantle the "United Nations Command" and withdraw its forces from south Korea, the United States had no other alternative but to form the United States-south Korea "Combined Forces Command" and transfer the right to operational command to it. Through this, it tried to legalize and perpetuate its occupation of south Korea by changing the nature of the United States troops in south Korea from "United Nations forces" to that of forces dispatched by the "Republic of Korea-United States Mutual Defense Treaty".

Since then, the "United Nations Command" has become a nominal one with nothing more than a name.

Behind the recent attempts of the United States to revive the functions of the "United Nations Command" lie its strategic self-interest to make south Korea a forward base for the domination of the Asia-Pacific region and hold fast to it as cannon fodder for an aggressive war under a changed situation.

As sentiment ran high for independence against the United States and pressure was exerted to take over the commanding power from the United States, the United States had no other choice but to return the right to peacetime operational command to the south Korean side in 1994. Furthermore, it is to hand over the right to wartime command by 2015. Accordingly, the United States-south Korea "Combined Forces Command", which has served as a tool for exercising the right to United States operational command over south Korea, should be dismantled.

This does not mean that the United States is likely to easily give up its right to military command over south Korea, the strategic point in its strategy regarding the Asia-Pacific region.

It is none other than the revival of the "United Nations Command" that the United States worked out as an "alternative" to seize and wield its actual command control over the south Korean armed forces.

The resolution of the Security Council which was railroaded for adoption by the United States in the 1950s stipulates that all the forces provided to south Korea should be under the control of the "United Nations Command" under the United

States. Together with this, the United States moved further in depriving south Korean authorities of the right to operational command in the name of the "United Nations Command", according to the July 1950 "Taejon Agreement". Such being the case, if the "United Nations Command" is to revive its function now, that would be as good as re-establishing the United States right to control over the south Korean puppet army.

When the United States began to discuss the issue of returning the right to wartime operational command to south Korea in March 2006, the United States Commander in south Korea, at a hearing before the United States Senate Armed Services Committee, made an assertion that the "United Nations Command" should increase its role and be turned into a "multinational force command" in such a way as to allow the member States of the "United Nations Command" to participate in its detailed activities, let alone the fact that they are involved in the mapping of the wartime operational plans.

Following this, the United States made its gradual move to increase the scale and frequency of the joint military drills in and around south Korea and saw to it that the operational players from the member States of the "United Nations Command" were involved in such drills, adapting them to the operational skills of the joint military drills led by the United States.

The United States and south Korea held the forty-fourth annual security meeting in Washington in October 2012 and issued a joint statement "reaffirming that the 'United Nations Command' is indispensable for maintaining peace and stability on the Korean peninsula".

This shows that the United States had already forced the south Korean authorities to accept its scheme to revive the "United Nations Command".

It is also on a step-by-step basis that preparations are under way to expand the operational sphere of the "United Nations Command" to the whole of the Asia-Pacific region.

The United States troops in south Korea, the mainstay of the "United Nations Command", have already been afforded "strategic flexibility" so that they could provide support in case of emergencies in other parts of East Asia. Recently, the plan has been actively under review to revolve the deployment of the United States marine forces to the Philippines and south Korea which are due to be present in Australia on a new basis.

If any move to establish a collective military bloc in the Asia-Pacific region is allowed, this would inevitably trigger off a countervailing force from other countries which are placed under the target of this bloc. If this is the case, it would be par for the course that this region, too, would be plunged into a theatre to take sides with as in Europe, with a revival of the cold war and increased danger of a nuclear war beyond any measure. Under this worst-case scenario, it is none other than south Korea that would suffer most.

2.

The "United Nations Command" is primarily an unjust tool which only misuses the name of the United Nations. All this bears no relation to the consensus of the United Nations Member States.

According to Article 27 of the Charter of the United Nations, the important decisions of the Security Council shall be made by an affirmative vote of more than seven member States (at that time), including the concurring votes of all five permanent member States. This means that even if the United States scraped the bottom of the barrel in collecting seven satellite States, it was not possible to make any decisions against the Democratic People's Republic of Korea when one of the permanent member States did not agree on it.

The situation was that the former Soviet Union, which held a seat on the Security Council, was not attending Council meetings from 13 January 1950 in protest against the exercise of the representative right in the United Nations by the Taiwanese authorities, not by the People's Republic of China.

The United States took this occasion as momentum in instigating the traitor Syngman Rhee to launch a pre-emptive all-out armed invasion against the Democratic People's Republic of Korea. On that same day, the United States did not lose any time in convening a meeting of the Security Council where it adopted a resolution branding the Democratic People's Republic of Korea as an "aggressor" (resolution 82 (1950)).

The Government of the Soviet Union responded to this by sending telegrams to the Security Council on 29 June and 6 July 1950. In those messages, it emphasized that the resolution could not go into effect, as it had been adopted by permanent member States against the United Nations Charter without the consent of the Soviet Union and the People's Republic of China, permanent members of the Security Council.

Despite this, the United States convened a meeting on 7 July, again in the absence of the Soviet Union. At that meeting, it cooked up a resolution allowing United Nations Member States to dispatch forces to the Korean war and place those forces under the control of "'the unified command' under the authority of the United States" and giving free rein to that command to "use the United Nations flag" (resolution 84 (1950)).

On 25 July 1950, the United States submitted a report of this command to the Security Council in which it had freely changed the name of the "unified command" to the "United Nations Command".

It was only on 31 January 1951, after the former Soviet Union, permanent member of the Security Council, had returned to its meetings, that the Council submitted an agenda and adopted resolution 90 (1951), calling for the removal of the agenda item "Complaint of aggression upon the Republic of Korea" from the list of items of which the Council was seized. This complaint was made by the United States when the Korean war broke out on 25 June 1950. In the ensuing time, the Korea question was no longer discussed.

The Security Council adopted such a resolution even in the middle of the war. This itself is an admission of the fact that the United Nations made a mistake from the beginning by allowing it to be involved and misused in the Korean war.

Even the successive Secretaries-General of the United Nations have made an official recognition of the fact that the "United Nations Command" is not a subsidiary organ of the United Nations, but absolutely a tool used by the United States for the war.

In June 1994, the then Secretary-General, Boutros Boutros-Ghali, recognized that "the Security Council did not establish the 'unified command' as a subsidiary organ under its control and that it came to be placed under the authority of the United States" (24 June 1994 letter from the Secretary-General to the Minister for Foreign Affairs of the Democratic People's Republic of Korea).

In December 1998, Secretary-General Kofi A. Annan made it clear that "none of my predecessors have granted any authorization to any State to make use of the name of the United Nations" when he referred to the forces and command dispatched by the United States into the Korean war (21 December 1998 letter from the Secretary-General to the President of the Presidium of the Supreme People's Assembly of the Democratic People's Republic of Korea).

On 27 July 2004 and 6 March 2006, the United Nations Spokesperson confirmed that the "'United Nations Command', despite its name, is not the army of the United Nations, but a United States-led force".

It is not the United Nations, but the United States, which has the power to appoint the "United Nations forces commander". It is not the United Nations, but the United States Administration, which has an absolute power to decide on reduction or enforcement of the United States forces in south Korea that are under the helmets of the "United Nations forces".

The United Nations has changed its composition with the passage of time. Given this, the "United Nations Command" is all the more a subsidiary organ of the United States, which has no relevance to the United Nations.

The United Nations today is no longer the forum of the 1950s, when the United States organized the "United Nations Command" at its will.

More than 20 years have passed since the Democratic People's Republic of Korea became a legitimate member of the United Nations after joining it. China, together with the Democratic People's Republic of Korea, sat face to face with the "United Nations forces" when it gave a joint signature to the Korean Armistice Agreement. It has been 40 years since China came to exercise its representative right as a permanent member of the Security Council.

Despite this prolonged time, the United Nations flag is still hanging and shows off in Panmunjom. This, a product of anachronism, is simply a shame to the United Nations.

The "United Nations Command" should be dismantled without any further delay if the United Nations really wants to regain its lost authority and impartiality.

3.

The "United Nations Command" is the refuse of the times, the dissolution of which has already been declared by the General Assembly.

At its thirtieth session, held in November 1975, the General Assembly adopted two resolutions on the dissolution of the "United Nations Command". Resolution 3390 (XXX) B, initiated by the progressive Member States of the United Nations, called for the immediate and unconditional dissolution of the "United Nations Command". The United States-sponsored resolution 3390 (XXX) A stated that the

"United Nations Command" might be dissolved on 1 January 1976 if "alternative arrangements" for maintaining the Armistice Agreement were made.

This is how the United States came up with the conditional theory of dismantling the "United Nations Command". This is simply a despair counsel to avoid the voice of the broad international society calling for an immediate and unconditional dissolution of the "United Nations Command". All this shows that even the United States itself could not deny the illegal and anachronistic substance of the "United Nations Command".

If we look at the composition of the then "United Nations Command", it was no longer the multinational forces, but the United States command which had only the United States troops stationed in south Korea.

As soon as the Armistice Agreement was signed, Member States of the United Nations which had participated in the Korean war withdrew their forces, to the exclusion only of the United States. Afterwards, Luxembourg and Ethiopia removed their flags from the "United Nations Command" which they had left as a symbol. Even those countries that still have their own flags neither have staff in the "United Nations Command" nor participate in its activities.

The United States asserted that the dissolution of the "United Nations Command" would be possible only when another mechanism to maintain the Armistice was set up. But the current ceasefire status is not maintained by the "United Nations Command" in practice. In March 1991, the United States made an unannounced decision to replace the chief delegate to the "United Nations forces" at the Military Armistice Commission with the south Korean army general, a post so far occupied by the United States army general. The United States sought no prior consultations with the Democratic People's Republic of Korea side in replacing the chief delegate to the "United Nations forces" with the army general of south Korea, which is not a party to the Armistice Agreement. This was a clear provocation violating paragraph 61, article V of the Armistice Agreement, which stipulates that amendments and additions to the Armistice Agreement must be mutually agreed to by the commanders of the opposing sides.

As the "United Nations forces" lost their delegation power, the Military Armistice Commission was virtually put in a state of paralysis. Eventually, the delegation of the Chinese People's Volunteers, a member of the Korean-Chinese side of the Military Armistice Commission, withdrew in December 1994 and the Democratic People's Republic of Korea side formed the Panmunjom Mission of the Korean People's Army (KPA) to maintain the ceasefire on behalf of the former Democratic People's Republic of Korea-Chinese side.

As time passed, the members of the Neutral Nations Supervisory Commission (NNSC) failed to maintain the positions of neutrality which they had at the time of signing the Armistice Agreement. With this, the NNSC could no longer carry out its functions.

This led to the complete fall of the previous armistice mechanism, and the "United Nations Command" was reduced to a scarecrow with no party left to deal with.

It has been since then that all the issues related to the running of the ceasefire status have been discussed and disposed of between the KPA and United States

military authority rather than between the Democratic People's Republic of Korea-China and the "United Nations forces".

Both the Democratic People's Republic of Korea side and the United States side have maintained effective control of the ceasefire status for decades, and this reality proves that there is no longer any reason to withhold the dissolution of the "United Nations Command". Even from the viewpoint of replacing the Armistice Agreement with a peace treaty, the "United Nations Command" stands in the way as a legacy of the cold war that would bring no good but only harm.

According to the Armistice Agreement, the issue of ensuring a lasting peace is to be negotiated only at a political conference at a level higher than that of military commanders. The actual political superior of the "United Nations Command", a signatory to the Armistice Agreement, is not the United Nations, but the United States Administration.

The Democratic People's Republic of Korea Government proposed to establish a new peacemaking mechanism on the Korean peninsula in April 1994 (28 April 1994 statement of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea).

After that, the Democratic People's Republic of Korea also proposed to make a provisional agreement between the Democratic People's Republic of Korea and the United States that could replace the current Armistice Agreement in order to prevent armed conflicts, remove the danger of war and peacefully maintain the ceasefire status until a full peace treaty was signed on the Korean peninsula (22 February 1996 statement by the Spokesman of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea).

The Democratic People's Republic of Korea and the United States held several rounds of talks at the general level in Panmunjom over the issue of putting in place a new armistice mechanism on the Korean peninsula.

The issue of establishing a permanent peace regime on the Korean peninsula was also discussed in the four-party talks between the Democratic People's Republic of Korea and the United States, which also saw the participation of China and south Korea. The Democratic People's Republic of Korea and the United States held talks in Washington in October 2000, where both sides confirmed that there were several ways, including the four-party talks, to put a formal end to the Korean war by easing tension and replacing the Armistice Agreement with a durable peace regime on the Korean peninsula (12 October 2000 Democratic People's Republic of Korea-United States joint communiqué).

An agreement was reached at the North-South Summit in October 2007 to proceed with the declaration of the end of the war by the leaders of three or four parties that are direct parties to the Korean question (4 October 2007 Declaration for Development of North-South Relations and Peace and Prosperity).

As the facts show, there have been many discussions and agreements between the concerned parties on changing the ceasefire status to a durable peace on the Korean peninsula where we can find no mention of any method which presupposes the existence of the "United Nations Command".

Despite that, the "United Nations Command" still exists today, and, on top of that, it is trying to be revived as a tool of war to be used by multinational forces.

This is an issue that can never be overlooked from the perspective of ensuring security in the Asia-Pacific region, including the Korean peninsula.

The United States is claiming that the effort of the Democratic People's Republic of Korea to bolster its national defensive power is causing tension in the region. This is nothing but an imprudent trick to cover up the aggressive nature of its Asia-Pacific strategy.

Whether the United States immediately dismantles the "United Nations Command" or not will serve as the acid test in deciding whether the United States will or will not maintain its anti-Democratic People's Republic of Korea hostile policy and whether it wants peace and stability or a revival of the cold war in the Asia-Pacific region.

The Democratic People's Republic of Korea will continue to strengthen its deterrence against all kinds of war, thereby actively contributing to peace and stability on the Korean peninsula and in the rest of Asia, until the United States makes a right choice.

Pyongyang, 14 January 2013